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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,236

02/26/2002

Craig L. Ogg

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23363 7590 03/21/2007  
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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT

PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/083,236	<b>Applicant(s)</b> OGG ET AL.	
	<b>Examiner</b> Farid Homayounmehr	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-23 and 25-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/2/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed 2/26/2002; amendment filed 1/2/2007.
2. Claims 1, 3-23 and 25-37 are pending in the case. Claims 1 and 22 are amended by the applicant.

### ***Information Disclosure Statement***

3. Information Disclosure Statement submitted by applicant on 1/1/2007 has been reviewed. Please see attached form PTO-1449.

### ***Response to Arguments***

4. Applicant's arguments filed 4/21/2005 have been fully considered but are not persuasive.
  - 4.1. Applicant argues: "Amended independent claims 1 and 22 include, among other limitations "wherein the user transaction data record includes a data element indicating a present state of the user transaction data record from a plurality of predetermined states, each predetermined state allowing only a predetermined type of operations to be performed on the

Art Unit: 2132

user transaction data record" and "controlling the user transaction data record to perform operations that are allowed for the present state of the user transaction data record." Cordery does not disclose the above limitations." However, as indicated in the next section, Cordery teaches checking the freshness of the meter record, and allowing or disallowing activity accordingly, which meets the recited limitations.

4.2. In addition, applicant's amendment has made claims 1 and 22 indefinite because the claim language does not make it clear whether the state indicated by the data element is used to control transaction activity, or modification of the data record itself. The applicant also failed to identify related portions of specification that support and clarify the new limitation, and therefore amendments lack written description support.

Accordingly, applicant's argument regarding allowability of claims 1, 3-23 and 25-37 is non persuasive.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3-23 and 25-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

Art Unit: 2132

matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not identified portions of specification in support of the new limitation: "wherein the user transaction data record includes a data element indicating a present state of the user transaction data record from a plurality of predetermined states, each predetermined state allowing only a predetermined type of operations to be performed on the user transaction data record" and "controlling the user transaction data record to perform operations that are allowed for the present state of the user transaction data record."

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 3-23 and 25-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims include "wherein the user transaction data record includes a data element indicating a present state of the user transaction data record from a plurality of predetermined states, each predetermined state allowing only a predetermined type of operations to be performed on the user transaction data record". Claims also include the limitation: "controlling the user transaction data record to perform operations that are allowed for the present state of the user transaction data record". It is not clear if the purpose of state is enforcing

Art Unit: 2132

control on what can be performed on the record itself, or the transaction operations. As indicated above, the pertinent portion of the specification is not specified.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-23 and 25-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Cordery (US Patent No. 6,466,921, filed 6/12/1998).

10.1. As per claims 1 and 22, Cordery is directed to a system and method for providing public key infrastructure security in a wide area computer network (Fig. 1 and abstract), comprising: a user terminal (Fig. 1, item 20 and associated text) coupled to the computer network (Fig. 1); a user transaction data record assigned to a user (col. 8 lines 17-24, the meter record is assigned to a user), wherein the user transaction data record includes a data element indicating a present state of the user transaction data record from a plurality of predetermined states, each predetermined state allowing only a predetermined type of operations to be performed on the user transaction data record

Art Unit: 2132

(col. 8 lines 17-24 shows that the freshness of the data record is verified. Freshness describes two states of being fresh or not being fresh. Col. 4 lines 34-43 or col. 9 lines 40-58 shows using freshness to determine whether a transaction can be performed or not. Note that implementing the freshness state of the data record inherently requires a data element to indicate the state); a private key, and a public key assigned to a user for authenticating the user transaction data record (col. 8 lines 17-24, where the Function Server verifies the signature of the meter record, and therefore authenticating the meter (transaction data) record) when the user registers with the system using the user terminal (col. 6, line 49 to 56, note that Fig. 1 item 38 and associated text shows how keys are generated. Also note that col. 10 line 20-27 suggests use of public and private keys as an alternative); a database remote from the user terminal for securely storing the transaction data record in the user transaction data record assigned to the user (Fig. 1, item 36 and associated text. Note that per col. 6, line 36-44, all keys related to users and their accounts are stored in the database); and a cryptographic device remote from the user terminal and coupled to the computer network including a computer executable code (column 7 lines 7 to 17, and "boxes" as shown in Fig. 1 and associated text) for signing the data in the user transaction data record utilizing the stored private key in the database (col. 8, lines 25-29), and for controlling the user transaction data record to perform operations that are allowed for the present state of the user transaction data record (Cordery teaches using freshness to determine whether a transaction can be performed or not (see for example col. 4 lines 34-43 or col. 9 lines 40-58)) .

10.2. Claim 2 is cancelled.

10.3. As per claim 3, Cordery is directed the system of claim 1, wherein the private key is encrypted when it is stored in the database (column 8 lines 29 to 30).

10.4. As per claim 4, Cordery is directed the system of claim 2, wherein a respective security device transaction data related to the user is loaded into a cryptographic device when the user requests a service (col. 8 lines 8-28).

10.5. As per claims 5-10, Cordery is directed the system of claim 1, wherein the cryptographic device is configured to authenticate the identity of the user and verify that the identified user is authorized to assume a role and perform a corresponding operation (Fig. 2, item 62 and associated text describes a mailer (user) database, that stores related information to the user. Col. 8, lines 14-18, describes user authentication. It is the general purpose of user authentication to determine user access rights and roles to allow the user to perform the activities corresponding to their role)

10.6. As per claim 11, Cordery is directed the system of claim 5, wherein the cryptographic device includes a computer executable code for supporting multiple concurrent users and maintaining a separation of roles and operations performed by each user (column 6, line 14-27, indicates multiple mailers (users) can connect to the



Art Unit: 2132

system in the real-time).

10.7. As per claim 12, Cordery is directed the system of claim 5, wherein the cryptographic device stores information about a number of last transactions in a respective internal register (disclosed by column 8 lines 19 to 25, where the data record freshness is verified).

10.8. As per claim 13, Cordery is directed the system of claim 12, wherein the database stores a table including the respective information about a last transaction a verification module to compare the information saved in the device with the information saved in the database (column 8 line 19 to line 25, also see col. 7, lines 27-50).

10.9. As per claim 14, Cordery is directed the system of claim 1, further comprising a digital certificate stored in the database and assigned to a user when the user registers with the system (column 6 line 1-5, describes sending the indicium to the user with a token (digital certificate)).

10.10. As per claim 15, Cordery is directed the system of claim 1, wherein the cryptographic device is configured for digitally signing a certificate (see response to claim 14).

10.11. As per claim 16, Cordery is directed the system of claim 1, wherein the

Art Unit: 2132

cryptographic device is configured for encrypting data (see response to claim 1).

10.12. As per claim 17, Cordery is directed the system of claim 1, wherein the cryptographic device is configured for decrypting data (see response to claim 1).

10.13. As per claim 18, Cordery is directed the system of claim 1, wherein the database includes a user profile for the user (column 6 line 49 to 56).

10.14. As per claim 19, Cordery is directed to the system of claim 18, wherein the user profile includes username, password, account expiration, user role, logon failure count, logon failure limit, logon time-out limit, password expiration, and password period (column 6 lines 49-56).

10.15. As per claim 20, Cordery is directed to system of claim 5, wherein the cryptographic device is capable of performing one or more of DES (clearly disclosed in column 8 line 42 to 60), Rivest, Shamir and Adleman (RSA) public key encryption, Triple-DES, DSA signature, SHA-1, and Pseudo-random number generation algorithms (which are comparable encryption algorithms to DES and an apparent choices to a person skilled in the art to use as alternative methods of encryption).

10.21. As per claim 21, Cordery is directed to system of claim 5, wherein the cryptographic device stores information about a number of last transactions in an

Art Unit: 2132

internal register and compares the information saved in the register with the information saved in a memory before loading a new transaction data (as mentioned in response to claim 12, record freshness is checked before the transaction is allowed).

10.22. Limitations of claims 22-37 are substantially the same as limitations of claims 1-21 above.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2132

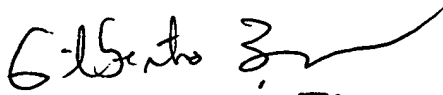
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3937. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Farid Homayounmehr***

**3/14/2007**

  
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